

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Civil Action 3:05-Cv-345

BELLSOUTH TELECOMMUNICATIONS, )  
INC., )

Plaintiff, )

v. )

NORTH CAROLINA UTILITIES )  
COMMISSION; JO ANNE SANFORD, )  
Chairman; WILLIAM THOMAS )  
CULPEPPER, III, Commissioner; )  
ROBERT V. OWENS, JR., )  
Commissioner; SAM J. ERVIN, IV, )  
Commissioner; LORINZO L. JOYNER, )  
Commissioner; JAMES Y. KERR, II, )  
Commissioner; and HOWARD N. LEE, )  
Commissioner (in their official capacities )  
as Commissioners of the North Carolina )  
Utilities Commission), )

Defendants.

ORDER SUBSTITUTING PUBLIC OFFICER

This cause came on to be heard upon Motion of defendants JoAnne Sanford, Chairman, and Commissioners William Thomas Culpepper, II, Robert V. Owens, Jr., Sam J. Ervin, IV, Lorinzo L. Joyner, James Y. Kerr, II, and Howard N. Lee, named in their official capacities as Commissioners of the North Carolina Utilities Commission (“Commissioners”), who notify the Court that Robert K. Koger is no longer a commissioner and his successor William Thomas Culpepper III is automatically substituted pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure. Accordingly, the Commissioners have requested that this order of substitution be entered and that the caption of the case be modified to substitute Commissioner Culpepper for former Commissioner Koger. The Court is of the opinion that the Motion should be allowed.

It is therefore ORDERED that Commissioner William Thomas Culpepper II, is

substituted for Robert K Koger as defendant, and the caption of the case is so modified as shown in the caption set forth in this Order.

Signed: May 10, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge



This the \_\_\_\_ day of \_\_\_\_\_, 2006.

ROY COOPER  
Attorney General

s/ **Margaret A. Force**  
Margaret A. Force  
Assistant Attorney General  
State Bar No.15861  
Attorney for Defendants

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## CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing PROPOSED ORDER SUBSTITUTING PUBLIC OFFICER in the above titled action on Matthew P. McGuire, a registered participant in the CM/ECF System by filing the document electronically with the Clerk of the Court using the CM/ECF system. In addition, I have served this document by electronic mail and by placing a copy thereof in the United States Mail, first class postage prepaid, and addressed as follows:

Frank A. Hirsch, Jr.  
Matthew P. McGuire  
Nelson Mullins Riley & Scarborough LLP  
GlenLake One, Suite 200  
4140 Parklake Ave.  
Raleigh, NC 27612  
[matt.mcguire@nelsonmullins.com](mailto:matt.mcguire@nelsonmullins.com)

This the 10th day of May, 2006.

**s/ Margaret Force**  
Margaret A. Force  
Assistant Attorney General